**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P. (S) No. 4300 of 2007**

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| **PETITIONER** | | M.L. Dewangan, aged about 60 years (Running), S/o. late Shri Malik Ram, Assistant Engineer Kelo Project Servey, Sub-Division No. 2 Raigarh, R/o. Sub-Division Officer, Kelo Project, Servey, Sub-Division No.2 Raigarh (C.G.) |
| | | **Versus** |
| **RESPONDENTS** | 1 | State of Chhattisgarh, Through- Chief Secretary, Water Resources Department, D.K.S. Bhawan, Raipur, P.O. & Distt. Raipur (C.G.) |
| | 2 | Chief Engineer, Hasdeo Bango Project, Bilaspur (C.G.) |
| | 3 | Executive Engineer, Kelo Project, Servey, Division Raigarh (C.G.) |
| | 4 | U.S. Darshan, aged about 45 years, S/o. unknown, Sub-Division Officer, Water Resources Department, Sub-Division, Raigarh (C.G.) |

**Appearance:**

Shri Hanuman Prasad Agrawal, counsel for the petitioner.

Shri A.S. Kachhawaha, Govt. Advocate for the State on advance copy.

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**ORAL ORDER**
**(25.7.2007)**

**SUNIL KUMAR SINHA, J.**

Heard finally with the consent of both the parties.

The petitioner, who is an Asstt. Engineer in the Water Resources Department, has challenged the validity of transfer order dated 6.7.2007 (Annexure-P/1), whereby, he has been transferred from Raigarh to Bilaspur.

Referring to the contents of Annexure-P/2, learned counsel for the petitioner argues that the date of birth of the petitioner is 08.12.1947, according to which, the petitioner is to be superannuated in the month of December, 2007 and he would be facing much hardship, if he is transferred from Raigarh to Bilaspur just about 6 months prior to the date of superannuation. He also referred to clause No. 7 of the policy dated 13th June, 2007, according to which, the case of the persons, who are at the verge of retirement are to be considered under the said clause. He

submits that the aforesaid order is also in violation of the said policy of the Government.

After hearing the learned counsel for the petitioner and the State and after going through the contents of the petition as well as document Annexures-P/1, P/2 and the contents of the policy vide clause 7, in the opinion of this Court, the ends of justice would be served, if the petitioner is directed to file a representation before the concerned authority invoking the provisions of clause 7 of the policy framed in Annexure-P/3.

Accordingly, this petition is disposed of with a direction that the petitioner shall filed a detailed representation before the concerned authority within a period of 3 weeks from today along with copy of this order and the copy of writ petition, raising his grievance, and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of 2 months from the date of receipt of the said representation. It is further directed that in the meanwhile, the petitioner shall not be relieved from his present place of posting (Raigarh) and shall be allowed to continue there.

The petition stands finally disposed of.

Sd/-
Sunil Kumar Sinha
Judge

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